



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 08 2004

Irvin C. Harrington, III
Foley & Lardner
35th Floor
2029 Century Park East
Los Angeles, CA 90067-3021

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 16

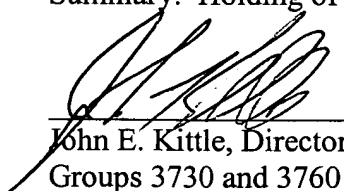
In re Application of	:	DECISION ON PETITION
John F. Gray et al	:	TO WITHDRAW
Serial No. : 10/033,722	:	HOLDING OF
Filed : December 27, 2001	:	ABANDONMENT
For : Infusion Device and Driving Mechanism for Same	:	

This is a decision on petitioner's request received June 16, 2004, to review the holding of abandonment mailed June 1, 2004 for failure to respond to the Office action mailed October 24, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of an amendment, a copy of a transmittal letter, and a copy of a PTO stamped post card receipt dated January 29, 2004 (certificate of mailing dated January 26, 2004, the 24th being a Saturday and the 25th a Sunday). The submission was timely. It is noted that the communication received January 29, 2004 did not include the proper Serial Number. However, the communication included sufficient additional information that should have resulted in the matching of the papers with the correct file.

In view of the above, the Notice of Abandonment mailed June 1, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed January 29, 2004.

Summary: Holding of Abandonment Withdrawn.


John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

ak/06/30/04